

The Honorable Tiffany M. Cartwright

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT TACOMA**

OBRIA GROUP, INC. and MY CHOICES
d/b/a OBRIA MEDICAL CLINICS PNW,

Plaintiffs,

v.

ROBERT FERGUSON, in his official
capacity as Attorney General for the State
of Washington,

Defendant.

NO. 3:23-cv-06093-TMC

STIPULATION AND [PROPOSED]
ORDER

WHEREAS, on March 28, 2024, Plaintiffs filed a Motion for Leave to File Supplemental Complaint to make allegations regarding intervening events concerning loss of certain insurance coverage by Obria PNW;

WHEREAS, the Defendant opposed that Motion;

WHEREAS, on May 14, 2024, the parties submitted a Stipulation and Proposed Order to the Court regarding Plaintiffs' Motion for Leave to File Supplemental Complaint to make further allegations regarding the insurance coverage of Obria PNW;

WHEREAS, on May 14, 2024, the Court granted the parties' Stipulation and Proposed Order substituting Plaintiffs' proposed Second Supplemental Complaint for Plaintiff's proposed First Supplemental Complaint and allowing additional briefing on the Motion for Leave to File Supplemental Complaint;

WHEREAS, on May 23, 2024, the Defendant advised Plaintiffs by letter that, while it does not issue formal closure letters, it was making an exception in this instance to provide Plaintiffs with a closure letter they may provide their insurer (as set forth in the attached Exhibit A);

WHEREAS the parties wish to ensure that the briefing before the Court fully addresses the Plaintiffs' new factual allegations and the Defendant's recent closure letter to Plaintiffs;

WHEREAS the parties agree that the most efficient way to proceed in light of recent developments is to permit Plaintiffs to supplement their Complaint and for the parties to conduct further motion practice, including a new Motion to Dismiss by Defendant;

WHEREAS the parties have agreed to meet and confer regarding a proposed briefing schedule on further motion practice.

NOW THEREFORE, it is hereby STIPULATED AND AGREED by and between the parties as follows, subject to the Court's approval and endorsement below:

1. The Court may grant Plaintiffs motion for leave to file their Second Supplemental Complaint (Dkt. # 33-1);

2. The parties will meet and confer and submit to the Court by Friday, June 7, 2024 a proposed schedule setting forth dates for Plaintiffs to file their Supplemental Complaint and for further motion practice, including Defendant's forthcoming Motion to Dismiss the Supplemental Complaint.

DATED this 28th day of May 2024.

ROBERT W. FERGUSON
Attorney General

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I. ORDER

IT IS SO ORDERED.

DATED this ____ day of _____ 2024.

THE HONORABLE TIFFANY M. CARTWRIGHT
United States District Judge